

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 3, 2006 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.
STAFF'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations.
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:
Introduce the ordinance.

ITEM-202: 2006 Salary Setting Commission's Recommendation.
PERSONNEL DIRECTOR'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-203: 5540 Lindo Paseo Tentative Map 230006. (College Community Plan Area. District 7.)

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.

STAFF'S RECOMMENDATION: Adopt the resolution to approve the project and approve the appeal of the Planning Commission's decision to deny Tentative Map 230006 at Lindo Paseo.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

ITEM-204:

Levanto. (Navajo Community Plan Area. District 7.)

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Site Development Permit, Planned Development Permit, Tentative Map with Easement Vacations and Rezone from CV-1-1 to RM-2-4, Parking Impact Overlay, and inclusion in the Residential Tandem Parking Overlay Zones. The project would consist of the demolition of an existing 96 room motel with a 7,000 square foot restaurant, and the construction of 100 residential condominium units with amenities on a 5.672 acre site at 4545 Waring Road within the Navajo Community Plan Area.

STAFF'S RECOMMENDATION: Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices

ITEM-250: **Notice** of Pending Final Map Approval – Orange Blossom Park.

ITEM-251: **Notice** of Pending Final Map Approval – 4387 Illinois Street.

ITEM-252: **Notice** of Pending Final Map Approval – 1657-1663 Bacon Street.

ITEM-253: **Notice** of Pending Final Map Approval – Elan Condominiums.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-200: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-)

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-201: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-81)

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13, of the San Diego Municipal Code by amending Section 142.1310 relating to Inclusionary Housing In-Lieu Fee Regulations.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: 2006 Salary Setting Commission's Recommendation.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-709)

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated January 30, 2006;

Directing the City Attorney, pursuant to Section 41.1 of the Charter, to incorporate the Commission's recommendation of no salary increase in the annual salary ordinance for Fiscal Year 2007 to be effective July 1, 2006.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-203: 5540 Lindo Paseo Tentative Map 230006.

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.

(College Community Plan Area. District 7.)

(Continued from the meeting of March 21, 2006, Item 332, at the request of Councilmember Young, due to lack of time.)

NOTE: Hearing open. No testimony taken on 3/21/2006.

STAFF'S RECOMMENDATION:

Adopt the following resolution to approve the project and approve the appeal of the Planning Commission's decision to deny Tentative Map 230006 at Lindo Paseo:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map No. 230006, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 8, 2005, voted 6-0 to deny; no opposition.

Ayes: Garcia, Schultz, Griswold, Ontai, Otsuji, Steele
Not present: Chase

Motion by Garcia to deny staff recommendation as outlined in Planning Commission Report No. PC-05-248. Due to the inability to make finding number two, "Meeting the housing needs for that specific region." The motion was seconded by Steele.

The College Area Community Council has recommended denial of this project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-203: (Continued)

STAFF SUPPORTING INFORMATION:

The 0.27-acre site is located at 5540 Lindo Paseo, between 55th Street and College Avenue in the RM-3-9 zone, within the College Community Plan area, which designates the site for Fraternity/Sorority uses. The existing improvements were constructed in 1982 and are consistent with the regulations in place at that time. The site is presently developed with one, three story structure containing 21, two-bedroom units. The site also provides 42 tandem off-street parking spaces located in an underground garage. No new construction is proposed with this project. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code.

All utilities serving this property have been undergrounded. The project includes a request to waive the underground requirement for adjacent utilities serving the surrounding properties.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

Waring/Halbert/HD

LEGAL DESCRIPTION:

The proposed project site is an 11,935-square foot site at 5540 Lindo Paseo in the RM-3-9 Zone within the College Area Community Plan area, Council District 7.

NOTE: This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

Staff: Helene Deisher - (619) 446-5223

NOTE: This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: Levanto.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Site Development Permit, Planned Development Permit, Tentative Map with Easement Vacations and Rezone from CV-1-1 to RM-2-4, Parking Impact Overlay, and inclusion in the Residential Tandem Parking Overlay Zones. The project would consist of the demolition of an existing 96 room motel with a 7,000 square foot restaurant, and the construction of 100 residential condominium units with amenities on a 5.672 acre site at 4545 Waring Road within the Navajo Community Plan Area.

(Project No. 51049. MND/MMRP/CPA-PG&GP Amendment No. 154627/RZ No. 147058/SDP No. 147056/PDP No. 297522/TM No. 147057/Easement Vacation No. 310703. Navajo Community Plan Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-774)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 51049, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a tentative map, site development permit for environmentally sensitive lands, planned development permit, community plan amendment and rezone for the Levanto project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-775)

Adoption of a Resolution amending the Navajo Community Plan, a copy of which is on file in the Office of the City Clerk;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-103)

Introduction of an Ordinance of the Council of the City of San Diego changing a 5.67 acres site, located at 4545 Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the CV-1-1 Zone (formerly known as the CR Zone), into the RM-2-4 Zone and the Residential Tandem Parking Overlay Zone, as defined by San Diego Municipal Code Sections 131.0406 and 132.0901, and repealing Ordinance No. O-11582 (New Series), adopted May 8, 1975, Ordinance No. O-9632 (New Series), adopted May 25, 1967, and Ordinance No. O-9794 (New Series) adopted April 11, 1968, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2006-776)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Site Development Permit No. 147056/Planned Development Permit No. 297522;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

Subitem-D: (Continued)

Granting Site Development Permit No. 147056/Planned Development Permit No. 297522 to William Lyon Homes, Inc., and Good Nite Inn San Diego, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2006-777)

Adoption of a Resolution certifying findings with respect to Tentative Map No. 147057 and Easement Vacation No. 310703, supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code Section 66499 and Section 66343, the easements granted to the City of San Diego per Book 2430, recorded June 18, 1947, Book 7325, Recorded October 29, 1958, Easements on Map 6287 and 5995 located within the project boundaries as shown on Tentative Map No. 147057 with Easement Vacation No. 310703, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 147057 and Easement Vacation No. 310703 is granted to William Lyon Homes, Inc. and Good Nite Inn San Diego, Applicant/Subdivider, and Lundstrom and Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on February 16, 2006, voted 6-1-0 to recommend approval of the project with the direction to look at creative ways to provide affordable housing on site.

The applicant has agreed to pay the in-lieu fee for affordable housing at the time of building permit issuance. The fee is anticipated to rise to approximately \$8.50 per square foot of living space on July 1, 2006; no opposition.

Ayes: Ontai, Steele, Schultz, Garcia, Griswold, Otsuji
Nays: Chase

The Navajo Community Planners, on May 16, 2005, voted 14-2-1 to recommend approval of the project with no conditions.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-204: (Continued)

STAFF SUPPORTING INFORMATION:

The subject project would demolish existing structures and construct a 100-unit residential condominium complex on an approximately 5.672 acre site located at 4545 Waring Road in the Navajo Community Plan Area. This site is located on the southern border with the College Community and is in the Grantville Redevelopment Project area. The site is currently developed with a 33,471 square foot motel and restaurant, built in 1969. Access to the subject property is from Adobe Falls Road.

To the south of the project site is a concrete-lined drainage channel (Alvarado Creek) with disturbed vegetation along its south-facing slope. Currently the southeastern edge of the site is located in the identified 100-year flood plain. A project component would grade the entire site to raise the elevation of the southeastern portion two feet above the 100-year floodplain level.

The development would include deviations to development regulations for setbacks, retaining wall height, encroachments into required yards and building height. None of these deviations have been determined to have significant impacts per the California Environmental Quality Act. A Mitigated Negative Declaration was prepared for this project and identified the potential for noise impacts which will be mitigated through the submittal of an acoustical study and noise attenuation barriers for balconies facing Interstate 8 and Waring Road.

FISCAL CONSIDERATIONS:

None with this action. The costs associated with the processing of this project are covered by the applicant. The project includes the vacation of existing sewer and general easements and the granting of new easements to accommodate relocated public utilities. The easements being vacated were granted at no cost to the City.

KEY STAKEHOLDERS:

William Lyon Homes, Inc.; Law Offices of Cindy Eldred

Halbert/Halbert/JT

LEGAL DESCRIPTION:

The proposed project site is a developed 5.7 acre site at 4545 Waring Road. The existing motel and restaurant would be demolished. The project is located within the Parking Impact Overlay, the Navajo Community Plan area, and Council District 7.

Staff: Jeannette Temple – (619) 557-7908
Shannon Thomas – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – Orange Blossom Park.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Orange Blossom Park” (T.M. No. 179255/PTS No. 81800), located on the north side of Orange Avenue between Highland Avenue and 45th Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – 4387 Illinois Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4387 Illinois Street” (T.M. No. 141649/PTS No. 82682), located on the east side of Illinois Street between Meade Avenue and El Cajon Boulevard in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – 1657-1663 Bacon Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1657-1663 Bacon Street” (T.M. No. 169906/PTS No. 91636), located on the east side of Bacon Street between Santa Cruz Avenue and Coronado Avenue in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – Elan Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Elan Condominiums” (T.M. No. 150622/PTS No. 87783), located on the west side of Decena Street between Twain Avenue and Vandever Avenue in the Navajo Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT